

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

TODD RUTHERFORD ANDERSON
TX-1329971-R

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DOCKETED COMPLAINT NO.
05-116

AGREED FINAL ORDER

On this the 11th day of February, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Todd Rutherford Anderson, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Todd Rutherford Anderson is a Texas state certified residential real estate appraiser, holds certification number TX-1329971-R, and has been certified by the Board during all times material to the above-noted complaint cases.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq. (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about August 2nd, 2004, December 3rd, 2003, September 10th, 2003, March 19th, 2004, December 8th, 2003 and October 7th, 2003 Respondent appraised real property located at: 523 Kirkpatrick Road, Ennis, Texas 75119, 523 Wolf Drive, Forney, Texas 75126, 2116 Laramie Drive, Mesquite, Texas 75149, 3010 Dorrington Drive, Dallas, Texas 75228, 502 Trailblazer Road, Forney, Texas 75126 and 3700 Richman Drive, Mesquite, Texas 75150 ("the properties").
4. On or about June 21st, 2005, the Complainant, Deloris Kraft-Longoria, an investigator with the Board, filed a staff initiated complaint. The complaint was based upon information submitted by Jane Hall, Director of the Processing and Underwriting Division of the United States Department of Housing and Urban Development ("HUD"). HUD claimed that the appraisal reports on the properties contained potential violations of the Uniform Standards of Professional Appraisal Practice.
5. On or about June 21st, 2005 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. § 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged in the complaint. Respondent's response to the complaint was received.

6. The Enforcement Division has concluded that the Respondent violated 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for the properties:

a. 512 Kirkpatrick Road, Ennis, Texas 75119

- i. USPAP Supplemental Standards – Respondent failed to adhere to HUD supplemental standards;
- ii. USPAP Standard 1-4(a) -- Respondent failed to adjust for sales concessions in the comparable sales that he used;
- iii. USPAP Standard 1-3(b) – Respondent failed to provide a brief summary of his rationale for his determination of the property's highest and best use;

b. 523 Wolf Drive, Forney, Texas 75126

- i. USPAP Supplemental Standards – Respondent failed to adhere to HUD supplemental standards;
- ii. USPAP Standards 1-4(a) – Respondent failed to adjust for sales concessions in the comparable sales that he used;
- iii. USPAP Standard 1-2(e)(i) – Respondent failed to use accurate measurements for the property's square footage;
- iv. USPAP Standard 1-3(b) – Respondent failed to provide a brief summary of his rationale for his determination of the property's highest and best use;

c. 2116 Laramie Drive, Mesquite, Texas 75149

- i. USPAP Supplemental Standards – Respondent failed to adhere to HUD supplemental standards;
- ii. USPAP Standard 1-4(b)(i) – Respondent failed to provide any data or documentation in his report or work file to support his determination of site value;
- iii. USPAP Standard 1-3(b) – Respondent failed to provide a brief summary of his rationale for his determination of the property's highest and best use;
- iv. USPAP Standard 1-3(a) – Respondent failed to provide the zoning applicable to this property;
- v. USPAP Standards 1-4(a) – Respondent failed to adjust for sales concessions in the comparable sales that he used;

d. 3010 Dorrington Drive, Dallas, Texas 75228

- i. USPAP Supplemental Standards – Respondent failed to adhere to HUD supplemental standards;
- ii. USPAP Standard 1-4(a) – Respondent failed to adjust for sales concessions in the comparable sales that he used. Respondent also failed to use the accurate size for the improvements and did not adjust for the enclosed garage;
- iii. USPAP Standard 1-2(e)(i) -- Respondent also failed to use the accurate size for the improvements;
- iv. USPAP Standard 1-3(b) – Respondent failed to provide a brief summary of his rationale for his determination of the property's highest and best use;
- v. USPAP Standard 1-1(c) – Respondent was careless or negligent by rendering a series of errors or omissions in his report;

e. 502 Trailblazer Road, Forney, Texas 75126

- i. USPAP Standard 1-4(a) – Respondent failed to adjust for sales concessions in the comparable sales that he used;
- ii. USPAP Supplemental Standards – Respondent failed to adhere to HUD supplemental standards;
- iii. USPAP Standard 1-3(b) – Respondent failed to provide a brief summary of his rationale for his determination of the property's highest and best use;

f. 3700 Richman Drive, Mesquite, Texas 75150

- i. USPAP Supplemental Standards – Respondent failed to adhere to HUD supplemental standards;
- ii. USPAP Standard 1-4(a) – Respondent failed to adjust for sales concessions in the comparable sales that he used;
- iii. USPAP Standard 1-3(b) – Respondent failed to provide a brief summary of his rationale for his determination of the property's highest and best use;

7. The Enforcement Division concluded that the Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by making material misrepresentations and omissions of material facts in the appraisal reports on the Kirkpatrick, Wolf, Laramie, Trailblazer and Richman properties. These material

misrepresentations and omissions of material fact include: failing to report, analyze and account for sales concessions in the sales comparison analysis approach conducted in each appraisal report.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following USPAP provisions as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a): USPAP Supplemental Standards; USPAP Standards Rules: 1-2(e)(i); 1-3(a); 1-3(b); 1-4(b)(i); 1-4(a); and, 1-1(c).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by making material misrepresentations and omissions of material facts in his appraisal reports on the properties;

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in the sales comparison approach or residential case studies or residential market data analysis;
- c. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. All classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Failure to comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent.

Respondent, by signing this Agreed Final Order, neither admits nor denies that the findings of fact and conclusions of law herein set forth are correct; however, Respondent consents

to the entry of this Agreed Order to avoid the expense of litigation and to reach an expeditious resolution of this matter. Respondent also agrees to satisfactorily comply with the mandates of this Agreed Final Order in a timely manner.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Consent Order by the Texas Appraiser Licensing and Certification Board vote.

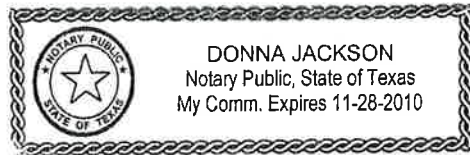
Signed this 17 day of January, 2008. ^{8 28 7A}

Todd Rutherford Anderson
TODD RUTHERFORD ANDERSON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 17 day of January, 2008, by TODD RUTHERFORD ANDERSON, to certify which, witness my hand and official seal: ^{8 28 7A}

Donna Jackson
Notary Public Signature

DONNA JACKSON
Notary Public's Printed Name



Signed by the Commissioner this 7 day of FEBRUARY, 2008

Timothy K. Irvine
Timothy K. Irvine, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 11 day of February, 2008.

Larry Kokel
Larry Kokel, Chairperson
Texas Appraiser Licensing and Certification Board